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1-10-01

Docket No. 2653/40

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors : Jon S. THORSON

Serial No. 09/724,797

Filed November 28, 2000

For : **MICROMONOSPORA ECHINOSPORA GENES  
ENCODING FOR BIOSYNTHESIS OF  
CALICHEAMICIN AND SELF-RESISTANCE  
THERE TO**

Group Art Unit : To be Assigned

Assistant Commissioner for Patents

Washington, DC 20231

**INFORMATION DISCLOSURE STATEMENT****UNDER 37 C.F.R. §§ 1.56 AND 1.97**

Sir:

The above-identified application is a continuation-in-part of non-provisional application No. 09/457,045, filed December 7, 1999 and of provisional application No. 60/111,325 filed on December 7, 1998. In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of Applicants or attorneys for Applicants which are or may be material to the patentability of any claim of the instant application, attorneys for Applicants hereby direct the Examiner's attention to references 1-39.

References 1-39 were submitted in connection with the prosecution of Application No. 09/457,045 in an Information Disclosure Statement filed May 31, 2000.

Pursuant to 37 C.F.R. § 1.98(d), and additionally so as to not overburden the Patent Office files, no copies of the References 1-39 are included herein, as such copies are available in the file of Application No. 09/457,045. However, copies of the identified references will be provided upon the Examiner's request.

Identification of the foregoing references is not to be construed as an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against

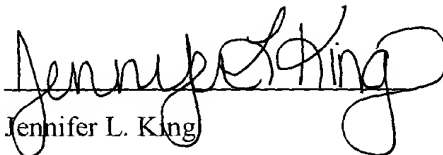
the instant application.

Applicant respectfully requests that the Examiner review the foregoing references and that the references be made of record in the file history of the instant application.

As this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, no fee is believed due, as provided under 37 C.F.R. § 1.97(b)(3). If a fee is required, please charge the required amount to Kenyon & Kenyon Deposit Account No. 11-0600

Respectfully submitted,

Date: February 28, 2001

  
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